

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:11-CV-00077-RWS
)	
AMEREN MISSOURI,)	Judge Rodney W. Sippel
)	
Defendant.)	

**AMEREN MISSOURI’S MOTION FOR A PROTECTIVE ORDER NARROWING
CERTAIN RULE 30(B)(6) DEPOSITION TOPICS REQUESTED BY EPA**

For the reasons set forth more fully in the accompanying memorandum of law, Defendant Ameren Missouri (“Ameren”), by its attorneys, respectfully moves for a protective order narrowing certain topics in Plaintiff’s Rule 30(b)(6) deposition notices on “Unit Performance Measures” and “Rate Cases.”

Pursuant to Local Rule 3.04, Ameren’s counsel has conferred in good faith with the United States’ counsel regarding the breadth of these Rule 30(b)(6) deposition notices over several weeks in June 2014, including teleconferences on or about June 6 and June 13, and email correspondence on June 6, June 11 and June 18. Despite the parties’ sincere efforts to resolve this issue, counsel were unable to reach an accord.

WHEREFORE, Ameren respectfully requests that the Court grant this motion and enter a protective order that:

- precludes further discovery on Ameren’s incentive-based compensation programs (Unit Performance Measures Topics 4 & 6; Rate Cases Topic 8);

- limits further discovery on the “critical assumptions” effort to the purpose and lifespan of the initial “critical assumptions” spreadsheet (Unit Performance Measures Topic 2);
- precludes further discovery on inputs and calculations pertaining to Rush Island’s “commercial availability,” “equivalent availability,” and “equivalent unplanned outage rates” (Unit Performance Measures Topics 5, 7 & 8);
- limits further discovery on rate cases to the FAC, how Ameren seeks reimbursement through a rate case, and the specific amounts of reimbursement Ameren requested and received for rate cases ER-2007-0002, ER-2008-0318, and ER-2011-0028, and precludes further discovery on rate cases, including rate cases ER-2007-0002, ER-2008-0318, and ER-2011-0028 (Rate Cases Topics 4 & 10).

Dated: July 17, 2014

Respectfully submitted,

/s/ Matthew B. Mock

Ronald S. Safer (pro hac vice)
Patricia Brown Holmes (pro hac vice)
Renee Cipriano (pro hac vice)
Steven J. Bonebrake (pro hac vice)
Matthew B. Mock (pro hac vice)
Joshua R. More (pro hac vice)
Schiff Hardin LLP
233 South Wacker Drive Suite 6600
Chicago, Illinois 60606
Phone: (312) 258-5500
Fax: (312) 258-5600

James J. Virtel
Armstrong Teasdale LLP
7700 Forsyth Boulevard Suite 1800
St. Louis, Missouri 63105
Phone: (314) 621-5070
Fax: (314) 612-2298
jvirtel@armstrongteasdale.com

Counsel for Defendant Ameren Missouri

CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2014, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will cause an electronic copy to be served on counsel of record, who are listed below:

Andrew C. Hanson
Bradford T. McLane
James Beers
Elias Quinn
U.S. Department of Justice
Environment and Natural Resources Division
P.O. Box 7611, Ben Franklin Station
Washington, DC 20044-7611
Telephone: (202) 514-5293

/s/ Matthew B. Mock